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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,052	12/04/2001	Adelmo Monsalve-Gonzalez	5553	9205
30173	7590	01/05/2010	EXAMINER	
GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440			TRAN LIEN, THUY	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			01/05/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ADELMO MONSALVE-GONZALEZ  
and ARUNA PRAKASH

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Application No. 10/005,052  
Technology Center: 1700

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Mailed: January 5, 2010

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 4, 2010. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

Application No. 10/005,052

**EXAMINER'S ANSWER, EVIDENCE RELIED UPON**

The Examiner's Answer mailed September 25, 2009, is defective because the Patent Application Numbers are missing from the (8) Evidence Relied Upon Section of the Examiner's Answer. It only list the names and dates of the references. See MPEP 1207.02.

Before further review, the examiner must mail a Form PTOL-90, that will correct and amend the Evidence Relied Upon Section and identify all references used to reject the claims on appeal.

`` **REPLY BRIEF NOTED**

On November 23, 2009, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

CONCLUSION

Accordingly,

it is ORDERED that the application is being electronically returned to the Examiner:

- 1) to hold the Examiner's Answer mailed September 25, 2009, defective;
- 2) to issue and mail a Form PTOL-90, amending and/or correcting the Examiner's Answer (8) Evidence Relied Upon;
- 3) for consideration and proper response to the Reply Brief filed November 23, 2009; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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